



Honorable August B. Landis
United States Bankruptcy Judge



Entered on Docket
April 30, 2018

LARSON ZIRZOW & KAPLAN, LLC
850 E. Bonneville Ave.
Las Vegas, Nevada 89101
Tel: (702) 382-1170 Fax: (702) 382-1169

LARSON ZIRZOW & KAPLAN, LLC
ZACHARIAH LARSON, ESQ.
Nevada Bar No. 7787
Email: zlarson@lzklegal.com
MATTHEW C. ZIRZOW, ESQ.
Nevada Bar No. 7222
Email: mzirzow@lzklegal.com
850 E. Bonneville Ave.
Las Vegas, Nevada 89101
Tel: (702) 382-1170
Fax: (702) 382-1169

Attorneys for Plaintiff

**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEVADA**

In re:

MARC JOHN RANDAZZA,

Debtor.

Case No.: BK-S-15-14956-abl
Chapter 11

MARC J. RANDAZZA, an individual,

Plaintiff,

v.

CRYSTAL L. COX, an individual,

Defendant.

Adv. No. 17-1005-abl

**ORDER: (I) GRANTING PLAINTIFF'S
MOTION FOR SUMMARY
JUDGMENT; AND (II) DISMISSING
ADVERSARY PROCEEDING FOR
FAILURE TO APPEAR OR
PROSECUTE PURSUANT TO THE
COURT'S ORDER CONTINUING
SCHEDULING CONFERENCE**

Date: April 24, 2018
Time: 1:30 p.m.

1 Plaintiff, Marc John Randazza, as debtor and debtor in possession (“Mr. Randazza”),
 2 having filed his *Motion for Summary Judgment* (the “Motion”) [Adv. ECF No. 13]; the Motion
 3 and notice of hearing thereon having been properly and timely served; no opposition to the Motion
 4 having been filed; the Court having reviewed and considered the Motion and all matters submitted
 5 therewith; the Court having held a hearing on the Motion, with all appearances having been noted
 6 on the record, and no appearance by the Defendant, Crystal Cox (“Ms. Cox”) having been made
 7 at the hearing; the Court having heard and considered the arguments of counsel at the hearing;

8 The Court having held a prior scheduling conference in this adversary proceeding on
 9 February 27, 2018 at which Ms. Cox failed to appear; the Court having thereafter entered an *Order*
 10 *Continuing Scheduling Conference* (the “Scheduling Conference Order”) [Adv. ECF No. 19],
 11 which ordered that the scheduling conference in this adversary proceeding would be continued to
 12 April 24, 2018 at 1:30 p.m. and further advising that the failure to appear at the April 24, 2018
 13 continued scheduling conference will constitute grounds for dismissal for failure to appear and
 14 prosecute this adversary proceeding; the Scheduling Conference Order having been properly and
 15 timely served on Ms. Cox; no oppositions or filings by Ms. Cox having been made in response
 16 thereto; the Court having held a continued scheduling conference on April 24, 2018 at which Ms.
 17 Cox failed to appear; the Court having heard and considered the arguments of counsel at the
 18 hearing; and

19 The Court having placed its findings of fact and conclusions of law on the record at the
 20 hearing regarding the foregoing matters, which are incorporated herein by referenced pursuant to
 21 Fed. R. Civ. P. 52, made applicable to this adversary proceeding pursuant to Fed. R. Bankr. P.
 22 7052; and good cause appearing;

23 **IT IS HEREBY ORDERED:**

24 1. Mr. Randazza’s Motion is GRANTED;
 25 2. Mr. Randazza is GRANTED summary judgment in his favor and against all claims
 26 asserted by Ms. Cox in this adversary proceeding, and, as a result of the foregoing, all claims
 27 asserted by Ms. Cox against Mr. Randazza in this adversary proceeding shall be and hereby are
 28 DISMISSED; and

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3. In the alternative, pursuant to the Court's Scheduling Conference Order, and as a result of Ms. Cox's failure to appear at the continued scheduling conference in this adversary proceeding on April 24, 2018 at 1:30 p.m., this adversary proceeding is also DISMISSED for her failure to appear and prosecute this proceeding.

IT IS SO ORDERED.

PREPARED AND SUBMITTED:

By: /s/ Matthew C. Zirzow
LARSON ZIRZOW & KAPLAN, LLC
ZACHARIAH LARSON, ESQ.
Nevada Bar No. 7787
MATTHEW C. ZIRZOW, ESQ.
Nevada Bar No. 7222
850 E. Bonneville Ave.
Las Vegas, Nevada 89101

Attorneys for Plaintiff

LR 9021 CERTIFICATION

In accordance with LR 9021, counsel submitting this document certifies that the order accurately reflects the court's ruling and that (check one):

- ☐ The court has waived the requirement set forth in LR 9021(b)(1).
- ☒ No party appeared at the hearing or filed an objection to the motion.
- ☐ I have delivered a copy of this proposed order to all counsel who appeared at the hearing, and each has approved or disapproved the order, or failed to respond, as indicated below:
- ☐ I certify that this is a case under Chapter 7 or 13, that I have served a copy of this order with the motion pursuant to LR 9014(g), and that no party has objected to the form or content of the order.

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